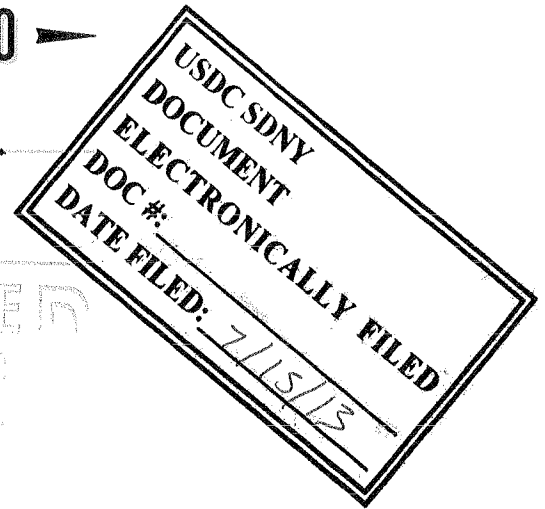


LAW OFFICES OF  
**BERNARD D'ORAZIO**  
& ASSOCIATES, P.C.



**MEMO ENDORSED**

June 20, 2013

**BY HAND**

Hon. William H. Pauley III  
U.S. District Court  
Southern District of New York  
500 Pearl Street- Room 2210  
New York, NY 10007-1312

**Re: J-Up International Co., Ltd. v. Brooks Fitch Apparel Group, LLC; 12 Civ. 1751(WHP)**

Dear Judge Pauley:

I am counsel for plaintiff J-Up International Co., Ltd., in whose favor a Judgment for \$141,066.76 was entered on November 19, 2012, against defendant Brooks Fitch Apparel Group, LLC. No part of the Judgment has been paid to date.

I write to request the Court's assistance with judgment enforcement. We served a Subpoena Duces Tecum and Restraining Notice upon defendant on December 6, 2012, which required defendant to produce requested records and appear for a deposition to be held on December 26, 2012. Defendant did not respond to the Subpoena, produce any documents, or appear for the deposition. In an effort to avoid contempt of court proceedings, I agreed to unilaterally adjourn and reschedule the deposition and, after further delays by the defendant, Mr. Joseph Safdieh of Brooks Fitch finally appeared in my office in response to the Subpoena on March 15, without the subpoenaed documents.<sup>1</sup>

Without the documents, the deposition could not proceed; however, with both parties present that day, a settlement involving a payment plan was negotiated and placed on the record. A copy of the transcript is enclosed. The settlement required the first payment to be made by April 30, 2013, with time of the essence.

Defendant failed to make that payment or any of the scheduled payments. On April 30, 2012, I notified defendant of the default and rescheduled the deposition and document production pursuant to the Subpoena for May 17. See enclosure. Mr. Safdieh contacted me and acknowledged receipt of the April 30 notice, but claimed he was busy and would not

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<sup>1</sup> Mr. Safdieh appeared without counsel. I was notified before the deposition by defendant's counsel of record that they were no longer representing defendant and would not be appearing on March 15.

appear on May 17. He in fact did not appear on May 17 and has not produced any documents.

Given defendant's failures and refusal to comply with the Subpoena Duces Tecum, we ask for the Court's intervention. Before filing a formal motion to hold the defendant-Judgment Debtor in contempt, we respectfully request that a conference be scheduled at the Court's earliest convenience.

Respectfully yours,



Bernard D'Orazio

Enclosures

cc: Brooks Fitch Apparel Group, LLC (by email with enclosures)

*Application denied. This case is closed.*

SO ORDERED:



WILLIAM H. PAULEY III U.S.D.J.

7/15/13